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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION  
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12 CHRISTOPHER V. DATES,

13 Petitioner,

14 vs.

15 STEVE COOLEY,

16 Respondent.  
17

Case No. CV 08-8488-VBF (JWJ)

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION  
OF UNITED STATES  
MAGISTRATE JUDGE

18 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the  
19 instant Petition and other papers along with the attached Report and  
20 Recommendation of the United States Magistrate Judge, and has made a de  
21 novo determination of the Report and Recommendation. The Court concurs  
22 with and adopts the conclusions of the Magistrate Judge.  
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24 IT IS ORDERED that a Judgment be entered dismissing the instant  
25 Petition for Writ of Habeas Corpus without prejudice as unexhausted.  
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1 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy  
2 of this Order and the Judgment of this date on petitioner.  
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4 DATED: August 28, 2009  
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7 VALERIE B. FAIRBANK  
8 United States District Judge  
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